

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Chauncey Briggs, # 291072

Petitioner,

v.

**State of South Carolina;
Robert P. Bollinger, Warden of Trenton
Correctional Institution; and
Henry McMaster, Attorney General of
South Carolina,**

Respondents.

C.A. No. 2:05-2277-CMC-RSC

OPINION AND ORDER

Petitioner, a state prisoner proceeding *pro se*, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(b) and (d) (D.S.C.), this matter was referred to United States Magistrate Judge Robert S. Carr for pre-trial proceedings and a Report and Recommendation.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, __F.3d__, 2005 WL 1713188, at *3 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" (quoting Fed. R. Civ. P. 72 advisory committee's note).

On August 16, 2005, the Magistrate Judge issued a Report recommending that this matter

be *dismissed without prejudice and without requiring Respondents to file a return*. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Petitioner has filed no objections and the time for doing so has expired.

After reviewing the petition, the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error.

Therefore, the petition for a writ of habeas corpus is ***DISMISSED*** *without prejudice and without requiring Respondents to file a return*.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 13, 2005

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